THE INDEPENDENT

TERMS OF SUBSCRIPTION

Daily, By Mail, One Year. Daily, By Carrier, Per Month Weekly, One Year.... \$9.00 1.00 3.00

Remittances at the risk of subscriber funles made by registered letter, check, or postal or express order payable to The Independent Publishing Company.

10 Persons desiring THE INDEPENDENT Server at their homes or places of business can order by postal card or through telephone No. 100. Please report cases of irregular delivery promptly. Advertisements, to insure prompt insertion.

should be handed in before 8 p. m. Rejected communications not returned unlepostage is inclosed.

HELENA, MONT., NOV. 5, 1889.

A LOUISIANA RETURNING BOARD. Like Jack and Hall President Harrison's three federal appointees, White, Blake and Walker, who constitute the state canvassing board, have proved to be clay in the hands of the potters. Beginning with the fraudulent affidavitprocuring by Bernard, the ex-convict, the republican conspirators have gone steadily forward with their work of subverting the popular will without check or hindrance. Wherever they have had to deal with republican of ficials, high or low, they have found men willing to defy law and right, disregard received all that the board could fairly of citizenship;—Herald. the popular will, override the decisions do, after failing to get any other return, of the courts and become lawless partisans. The only obstacle the conspiraof justice, an appeal from whose decision against them is to be decided to-

The story of the outrage perpetrated by the state board yesterday under the guise of gauzy technicalities is fully told in our news columns. Divested of nard, Jack and Hall by rejecting the unnecessary verbiage and fine-spun quibblings the case is just this: Pending the decision on an appeal from the order of the district court at Butte which compelled the convassing board of Silver Bow county to count the unlawfully rejected vote of precinct 34, the state board of canvassers, without wait ing for a decision on the appeal-while a stay of proceedings was in force by consent of counsel on both sides-after two or three night sessions with a gang of republican politicians, hurriedly assembles, throws out the vote of the as the canvassers state. No evidence disputed precinct, declares five defeated that the vote was not fair and honest candidates for the legislature to be elected, authorizes the territorial secre- fraudulent voting was ever made tary to give them certificates and adjourns sine die.

column. It is simply an evasion of the merits of the whole question. The board had every fact relating to the contest before it. It had full and formal knowledge of the exact status of the pending legal proceeding which is to be determined by the district court at Butte to-morrow. When the order of Judge DeWolfe was issued directing the canvassers of Silver Bow county to count the vote of precinct 34, the county clerk, Mr. Booth, at once sent an abstract of the vote of every precinct duly certified to the territorial secretary, together with a copy of the writ of mandate. The state board opened these returns on Friday and after a secret conference agreed that they were not properly signed by the canvassers. The writ of mandate itself was a clear enough explanation of the absence of the names of the two republican canvassers from the return, but, to carry out their pre-arranged plan, the governor's private secretary was sent to Butte to see if he could get another set of returns to further complicate matters. He returned bearing the following letter from Clerk Booth:

BUTTE, Montana, Nov. 2, 1889. To Benjamin F. White, Governor, Henry N. Blake, Chief Justice and L. A. Walker, secretary of Montana and ex-officio board

of canvassers of Montana Gentlemen—in reply to your demand for a certified copy of the abstract of votes made by the board of canvassers of Silver Bow county. I beg leave to say that 1 am advised that there is no legal abstract of said votes in my office other than that al-ready sent you upon your former demand. The board had not completed their ab-stract of the votes at the time the writ of

mandate was served upon them.

I herewith enclose you an attested copy of the judgement in said case ordering the board to complete said count and include therein the rejected precinct No. 34.

Respectfully yours,

Chas. T. Booth.

Clerk of the Board of County Commissioners in and for Silver Bow county, Mon-In the District Court of the Second Judicial District of the Territory of Montana, in and for the County of Silver Bow.

Be it remembered that this cause came or

for hearing upon the relator's motion for judgment upon the petition, order and

judgment upon the petition, order and alternative writ, and answer and return of the defendants when it was Ordered, adjudged and decreed by the Court, that said defendants, William M. Court, that said defendants, William M. Jack, William E. Hall and Caleb E. Irvine.

tion, and that said relators have their to risk the chances on an appeal; they peremptory writ of mandate as prayed for

peremptory writ of mandate as prayed for in their petition.

And it is further ordered, adjudged and decreed, that it is the duty of the said clerk of said county commissioners to issue a certificate to relators, as prayed for in said petition and affidavit, and that a premptory writ of mandate issue to compel him to issue said certificates, and that said relators recover costs and disbursements in their pehalf expended this let day of November. behalf expended, this 1st day of November, 1889.
S. DE WOLLE,
Judge Second Judicial Court, in and for Silver Bow County.

Attest: A true copy.
Welling Napton, Clerk,
By Will L. Clark, Deputy Clerk.

rights of the majority which has marked every step of the conspiracy, Mr. Har rison's three appointees on getting this communication determined to resolve themselves into a little court of their own. After sitting up nearly all Friday night at the court house with Chairman Seligman, of the republican state committee, T. C. Power, defeated candidate for governor, and L. H. Hershfield, uncle of Henry Bernard, Messrs. White and people of Montana submit to that. Walker, were duly braced up for their

On Saturday the three federal officials together. It was agreed that it was a desperate case requiring desperate work. Even assuming that Clerk Booth's certified return could not be would have been to leave out the entire vote of the county. But this would for the legislature and the votes of these men could not be spared. So it was determined to defy the mandamus of Judge DeWolfe, the equities of the case, and to carry out the rascally work of Bervote of precinct 34.

Without waiting for further investigation or inquiry, Messrs. White, Blake and Walker met yesterday for barely a single minute and instantly adjourned leaving a memorandum behind then telling what they had consented to do.

The reasons for their action are false and misleading. The court proceedings at the mandamus hearing, of which every member of the board had full information, did not show that the vote at precinct 34 was "false and fraudulent" was ever adduced and no charge of

But it is as idle to review the facts and the evidence for men who are not The miserable apology of these three governed by facts or evidence as it would federal officials is printed in another be to quote the revised statutes to the road-agent who has commanded you to stand and deliver.

> The action of the state canvassing board is without precedent in the law of was reading a newspaper, evidently satisfied the territory. Judge Knowles' decision which was cited by Judge DeWolfe the other day on this very question of the power of these canvassing boards was as

"This is a question that the canvassers of the returns of the abstracts of the votes had nothing to do with. It was no part of their duty to determine what was the true and legal vote cast. What they were required to do was to determine what the abstracts of the votes returned to them showed upon this subject. As they have no right to go behind these abstracts, they have no right to assign, as a reason for not canvassing the true abstracts, that there was an illegal and fraudulent vote behind

"If such an issue was allowed to be raised when the question was, whether an election officer should canvass or not canvass election returns, every single one of them, down to the judges of elections, might raise the same issue, and there would be a clog upon our whole political system. Officers, whose duty by law is to canvass returns, have no other leval duties than these to have no other legal duties than these to perform, and as it would not be within the province of the proceedings in mandamus o compel them to go behind the returns and determine the actual legal vote cast, so they cannot set up what in law does not concern them, as officers, as a defense when they are required to do what does concern them, as officers, under the provisions of law."

Every other decision of the supreme court has been of similar tenor.

To cut the whole matter short the state canvassing board trampled over statutes and precedents and hurried to place certificates in the hands of the republican legislative candidates whom they had counted in without warrant of law. It did not matter that the law vests in the county clerk the right to issue such certificates; that Chief Justice Blake himself only the other day recognized that this power lies with that official when he granted a writ of mandate directing the clerk of Jefferson county to give certificates to members of the legislature the law must be disregarded now in order to place certificates in the hands of enough republican representatives to give the republicans an illegal majority for a sufficient time to enable them to organize and sieze

saw that much-dreaded justice was over taking them.

But their latest lawless act will fail They have only brought shame and disgrace upon their last three victims for naught. Every honest vote cast in Silver Bow county will be counted and stay counted; every candidate for the legislature or any other office, who is shown by the returns to have a majority With that contempt for law and the of the votes cast, will present himself at the required place, at the required time with a lawful certificate of election from the county clerk as the law directs, and will take his seat. No man holding a certificate obtained by fraud and issued without warrant of law will ever sit as a nember of the legislative assembly of the state of Montana

It will take more than an ex-convict and two returning boards to make the

Our declared opposition to having our elections controlled by the votes of men who cannot read the ticket they vote, whatin their capacity as canvassers again got within the widest bounds assigned by name within the widest bounds assigned by name or substance to "knownothingism." It is a part of the "knownothing" rather than of the "knownothing" policy. A country that, like ours, depends as much upon the intelligence of its voters, and that spends so many millions every year for public schools, cannot consistently endow confessed ignorance with the highest privileges of citizenship.—Herald.

You would disfranchise foreigners who cannot read and write and yet you argue that a million blacks in the south, who are equally ignorant are entitled to vote. tors have met at any point is in a court have left out six republican candidates If that is nt the spirit of knownothingism, what is?

> THE Herald is quite right in saying If the water service proves to be all that the consolidated company promise all previous decisions of the courts and the contract can be extended. Five years seems a reasonable period for the contract to run, to commence with." Five years is long enough.

> > It is evident that the state stealers are getting encouragement from the White House. Men holding Benjamin Harrison's commissions did the counting out yesterday. Benjamin Harrison's son was watching the canvassers at their work last week.

THE News is the name of a bright, clean, well-edited weekly republican journal just started at Townsend by William Wood. It is filled with live local news and is on the right tyack to success.

Dro Russell B. Harrison take the re turning board's shuffle to Washington with him Sunday night?

Two democrats will represent Montana in the United States senate.

CHAT WITH THE GOVERNOR. What He Says of the State Board's Action The Probable Outcome

Gov. B. F. White was sitting in the Cosmopolitan hotel lobby yesterday evening smoking an after dinner cigar, leaning back in a large chair, feet propped up on the iron guard rail around the stove. The governor that he earned his wages yesterday. The governor is at all times courteous, accom modating and unassuming, characteristics of the typical westerner that he is. An In DEPENDENT reporter approached his excel-lency and after thanking him for securing for himself and co-laborers a day off next Thursday with his salary going on just the same, asked him if a new election would be ordered in the tie vote case of Bennet and Kennedy, candidates for joint representaive of Deer Lodge and Beaverhead coun

He replied that he understood Bennet had filed notice of contest, to be decided by the legislature, claiming that he was beaten by 400 illegal votes cast at Anaconda.

"Why, governor, was the vote of precinct No. 34 thrown out or at least disregarded by the state canvassing board?" asked the re-

"For the reason that we had no certified abstract of the vote of Silver Bow county.
"Then, why did the board not throw ou "Because we took it as a fact that that portion of the vote, outside of precinct 34, was the vote of Silver Bow county. We had

the report of the Silver Bow showing the returns, and we had the state-ment of Clerk Booth which contained the total vote of the county, but we were not authorized to accept Mr. Booth's report, because the report was not certified to be the canvassing board and we took it for granted that the report of the county com-missioners was the full vote of Silver Bow county. I favored throwing out the entire vote of the county because the returns wer not certified to, but it was thought that th wote for the constitution should be as large as possible. It is only 24,000 out of 40,000 votes and would be a great deal less if the Silver Bow vote was not counted. It was also thought that the people over there might object if they were not granted repre-

entation in the legislature,"
"What, then, will be the result?"
"As it stands the whole matter is left to the legislature to settle,"
"Suppose certain members remain at

home, thereby preventing an organization of the legislature?" "Then Governor Toole would have the appointing of two senators to hold office until the legislature did meet, when his appointments would be either ratified or

The Governor was of the opinion that the fun was not over yet, and he expressed relief at knowing the matter was out of his

Mr. Breen Disposes of a Liar.

To the Independent: I desire space is your valuable paper to answer an editorial that appeared in the Helena Journal of Nov. 2, entitled, Pointed Question No. 12, in which I am asked if I was not instructed by Wm. B. Webb to put as many democrats on the grade as possible and asked if I did not follow out his instructions. In answer to the above I will say that I had nothing to do with any grade, that I am not acquainted with Mr. Webb, have never seen him to know him, nor have I ever received any instructions from him whatever.

Jack, William E. Hall and Caleb E. Irvine, the Canvassing Board aforesaid, had no power or authority to exclude the votes as shown by the returns from said Precint No. 34, in said county, and that their action therein was illegal and void, and that the returns, including the said precinct, constitute the true and correct result of said election of the court had been against them; they were afraid to enable them to organize and stere know him, nor have I ever received any instructions from him whatever.

I am also asked why I discriminated against republican workingmen. In answer to that question I will say that no man, republican or democrat, was refused was the last play the conspirators to that question I will say that no man, republican or democrat, was refused way instructions from him whatever.

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I am also asked why I discriminated against republican workingmen. But I do say that any person or

newspaper that says that I acted as the tool of a corporation to defeat the will of the people is a deliberate liar.

In regard to your last question I know nothing about the business or wishes of the Northern Pacific people. They have never taken me into their confidence, so I will refer the Journal to the general office of the N. P. for the information they crave. In conclusion, I think my interrogators were conclusion. I think my interrogators were mistaken in the man they addressed or else were ignorant of his past, Peter Baren. Wickes, Nov. 2.

THE MARKETS.

Jarvis-Conklin

Mortgage Trust Co.

WILL MOVE TO

Ground Floor

-OF THE-

Bailey Building

NOVEMBER 4, 1889.

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No Commissions. Interest payable semi-annually

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COLLEGE

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H. M. JARVIS,

P. J. CONKLIN.

STOCKS. New York, Nov. 4.—Bar silver 94%. Copper-Firm and quiet: lake Nov., \$11.50.

Lead-Firm and quiet; domestic, \$3.82%. In the stock market to-day there was a moder rusts, in comparison with their late extre uvity, were dull with the exception of oil. Out-side of Reading and Jersey Central, which are down 1½ and 2 per cent respectively, the declines were few in number and for insignificant frac-tions only, while Burlington & Quincy is up 1½, Missouri Pacific and Chicago gas 1½ each, and sugar I. Governments dull and steady. Petroleum opened strong and closed steady; opening, 1.65%; highest 165%; lowest, 1.65; closing, 1.65%. tivity, were dull with the exception of oil. Out-

Government bonds, 4s, 127; 4\(\frac{1}{2}\)s, 104\(\frac{1}{2}\)s, Northern Pacific, 31\(\frac{1}{2}\)s, preferred, 73\(\frac{1}{2}\)s, Oregon Improvement, 49, Oregon Navigation, 100; Transcontinental, 33\(\frac{1}{2}\)s, Union Pacific, 67\(\frac{1}{2}\)s.

CHICAGO PRODUCE.

CHICAGO, Nov. 4, 1:15 p. m.—Close—Wheat-higher; Nov., 79¹4; Dec., 80¹5; May, 84¹5. Corn—Steady; Nov., 82¹5; Dec., 15¹5; May, 23¹5; Oats—Steady; Nov., 18¹5; Dec., 19¹9; May, 22. Pork—Steady; Nov., \$5.95; Jan., 59,12¹5. Lard—Steady; Nov., \$5.90; Jan., \$5,82¹5. CHICAGO CATTLE.

CHICAGO, Nov. 4.—Cattle—Receipts, 14,000, stronger for best, others dull; choice to extra beeves, \$4,500,500; steers, \$2,750,4.00; stockers and feeders, \$1,600,200; Texas cattle, \$1,40 £2.88; western rangers, \$1,756,3.40.

Hogs—Receipts, 16,000; strong and 56,10c higher; mixed, \$3,850,4.10; heavy, \$3,752,4.10; light, \$3,806,4.25.

Sheep—Receipts, 6,000; shipments, 2,000; strong; natives, \$2,752,5.37½; westerns, \$3,506,4.15; Texans, \$3,006,4.10.

THE CHEEK

of Some People is Appalling.

They Advertise in the Papers one thing and mean Altogether Another.

We are Selling the Same Kind of Ladies' Cloth as that advertised Elsewhere as "French Broadcloth" for \$1.25 per yard. WE NEVER HAD THE NERVE TO ASK MORE THAN \$1.00 FOR THE SAME goods, and are selling a Very Nice quality of the Same Kind of Goods for 75c. Per Yard.

Always mean just exactly what they Advertise, and do not use Advertising as one means of Deceiving the Public.

BLACK DRESS GOODS.

The Most Popular Color there is in Ladies' Wearing Apparel this season. We have the most complete line of Priestley's Celebrated Wool and Silk and Wool Black Dress Goods ever shown in Helena, and are showing some entirely new weaves and extensive designs, such as Barritz Cords, Railway Cords, Corkscrew, Diagonals, Surah Twills, Indian Stripes, Shaded Stripes, Brocaded Stripes, Striped Henriettas, Silk Warp Henriettas, Silk Warp Alys Cloth, Silk Warp Draped Alma etc

We wish to call your Special Attention to our Black Dress Goods Department this week, where we will offer some Rare Bargains to Buyers of such

Citizens and Strangers are Cordially Invited to Examine our Goods, Com pare Prices, and find out from Actual Experience that the Best Dry Goods in Helena are sold for the Least Money

A STUNNER!

W. H. BAKER & CO.,

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BEAUTIFUL

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In sums to suit on from Six Months to REAL ESTATE Money on hand. No Delay. Cash paid for Real Estate Mortgages by

Offer Great Bargains in W. H. CLARK & SON, Gen. Agents. MAIN STREET, Northwestern Guaranty Loan Company,

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A number of Fine Residences.

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Several Cottages near Depot for sale on Installment Plan. Town Lots and Mining Property in

number of Fine Ranches in Flathead Valley for sale Very Cheap.

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W. J. LEMPS' CELEBRATED ST. LOUIS
LAGER BEER in Kegs is purchased at a cost
of \$2 Per Barrel More than any other Eastern
Beer brought to Helena. As the Beer is
Guaranteed by the Manufacturer to contain
No Deleterious Ingredients, being made of
PURE Barley, Malt and Choice New Crop
Hopes, we advise those desiring a PURE
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JACK BERNARD, Bridge Street,
DR. J. FOLLENIUS, N. P. Depot, and the The only First-Class Business School between St. Paul and Portland. Night school October to April. Read "Board of Reference" in College Reporter. Waite for terms.

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